

June 15, 2015

West Des Moines City Council Proceedings
Monday, June 15, 2015

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, June 15, 2015 at 5:30 PM. Council members present were: J. Mickelson, R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 1. Agenda. It was moved by Trimble, second by Sandager approve the agenda as presented.

Vote 15-226: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Police Chief Shaun LaDue introduced Police Officer David Johnson, who was then sworn in by Mayor Gaer.

Lieutenant Jim Barrett introduced Police Officer Joe Curtis, who was then awarded the Police Department Lifesaving Award for saving the life of a gunshot victim by rendering first aid at the scene of the shooting.

Lieutenant Jody Hayes introduced Police Officers Jason Lichty, Chelsea Dexter, Andrew Hofbauer, and Brody Moore, who were then awarded the Police Department Lifesaving Award for saving the life of a young woman who had attempted suicide and needed to be carried through a wooded area to reach medical assistance.

Council member Sandager reported he attended a swearing in ceremony for 70 new U.S. citizens on June 12th.

Council member Mickelson reported he participated in the interview process for a new Fire Chief, and he complimented staff on organizing a good recruitment process for that position which attracted many qualified candidates.

Council member Messerschmidt reported he attended a meeting of the Public Safety Subcommittee, where extensive discussion was held regarding activities at the Val Air Ballroom, and two proposed ordinances were also discussed that would adopt applicable Iowa Code provisions regarding rules of the road and establish weight limits for roadways not designated as truck routes.

June 15, 2015

City Manager Tom Hadden reported Craig Leu has been selected as the new Fire Chief and he is scheduled to start on July 27th, and he thanked all the individuals who assisted with the selection process.

Tim Stiles, Finance Director, reported the City of West Des Moines was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for the 22nd consecutive year.

On Item 4. Consent Agenda.

It was moved by Messerschmidt, second by Sandager to approve the consent agenda as presented.

- a. Approval of Minutes of June 1, 2015 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. Drury Development Corporation d/b/a Drury Inn & Suites, 5505 Mills Civic Parkway - Class LB Liquor License with Sunday Sales - Renewal
 - 2. El Tapatio, LLC d/b/a El Tapatio, 3751 EP True Parkway - Class LC Liquor License with Sunday Sales - New
 - 3. Hy-Vee, Inc. d/b/a Hy-Vee Market Grille #4, 555 South 51st Street (Grille Area) - Class LC Liquor License with Sunday Sales - New
 - 4. Kum & Go, LC d/b/a Kum & Go #97, 196 South 50th Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 5. Maxie's Enterprises, LLC d/b/a Maxie's Restaurant & Lounge, 1311 Grand Avenue - Class LC Liquor License with Sunday Sales - Renewal
 - 6. OTB Acquisition, LLC d/b/a On The Border, 140 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 7. P. F. Chang's China Bistro, Inc., d/b/a P. F. Chang's China Bistro, 110 South Jordan Creek Parkway - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 8. Pragathi International, LLC d/b/a Persis Indian Grill, 6925 Mills Civic Parkway, Suite 142 - Class BW Permit with Native Wine and Sunday Sales - New
 - 9. Walnut Brewery, Inc. d/b/a Rock Bottom Brewery, 4508 University Avenue - Class LC Liquor License Extension of Outdoor Service - June 23, 2015
 - 10. Team United Roller Derby d/b/a Team United Roller Derby, 2019 Grand Avenue (Skate West) - 5-Day Class BB Permit for Event on June 20, 2015 - New
- d. Approval of Cigarette Permits
- e. Approval of Lane Closure(s) for Special Events:
 - 1. Independence Day Parade, July 3, 2015
 - 2. Flatland Kids Triathlons, July 12, 2015
- f. Approval of Appointment - Human Services Advisory Board
- g. Approval to Sell Surplus City Equipment

June 15, 2015

- h. Approval of Change Order #2 - Ashworth Road Low Pressure Sewer
- i. Approval of Addressing - Various Locations within City Limits
- j. Approving Compensation - City Manager
- k. Approval of Supplemental Agreement - Alluvion Fiber Interconnect - Red Route
- l. Acceptance of Iowa Clean Air Attainment Program (ICAAP) Funds - Adaptive Traffic Signal Controls on 50th Street and 60th Street
- m. Order Preparation of Plans and Specifications - Valley View Park Basketball Courts
- n. Accept Work - Pine Avenue Improvements - South 8th Street to East Corporate Limits
- o. Approval of 28E Agreements:
 - 1. South 8th Street Improvements - County Line Road to Pine Avenue
 - 2. Suburban Emergency Response Team ("SERT")
- p. Approval of Professional Services Agreement - Law Enforcement Center Roof Replacement
- q. Approval of Purchase Agreement and Easement - Fox Creek Sanitary Sewer Improvements, Phase 2
- r. Approval and Acceptance of Purchase Agreements and Property - Ashworth Road Trail
- s. Dismissal of Public Hearing - Acquisition of Agricultural Property - South 8th Street - County Line Road to Pine Avenue

Vote 15-227: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) 7920, 8120, and 8180 Ashworth Road and Undeveloped Property Immediately South of 8220 Ashworth Road (not including 8220 Ashworth Road) - Consistency Zone approx. 10.7 acres to Single Family Residential and Rezone approx. 3.5 acres from RS-20 to R-1, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 15-228: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the second reading of the ordinance.

Vote 15-229: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Sandager, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

June 15, 2015

Vote 15-230: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Jordan West, southwest corner of EP True Parkway and Jordan Creek Parkway - Amend the Specific Plan Ordinance to Modify Development Regulations in Alignment with New Development Plan, initiated by Ryan Companies US, Inc. (Continued from June 1, 2015). He asked for the date the notice was published and the City Clerk indicated the notice was published on May 15, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the proposed Specific Plan Ordinance.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to consider the first reading of the ordinance.

Council members Mickelson and Sandager spoke positively about the proposed development.

Vote 15-231: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trimble to approve the first reading of the ordinance.

Vote 15-232: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider Grand Lakes, west side of Grand Avenue at Raccoon River Park Entrance - Amend the Comprehensive Plan Land Use Designations for the Eight Ways PUD Parcel B from Support Commercial to Neighborhood Commercial, PUD Parcel C from High Density Residential to Medium Density Residential and Single Family Residential, PUD Parcel E from Low Density Residential to Single Family Residential, and Change Parcel I from Low Density Residential to Single Family Residential and Amend the Eight Ways PUD to Zone the Parcels Consistent with the Comprehensive Plan, Define Development Regulations for Undeveloped Parcels, Detail Detention Basin Improvements, and Change the Name of the PUD to Grand Lakes, initiated by Diligent Grand Ave. 67, LLC (Continued from June 1, 2015). He asked for the date the notice was published and the City Clerk indicated the notice was published on May 15, 2015 and May 29, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning

June 15, 2015

Commission recommended City Council approval of the proposed Comprehensive Plan Amendment and PUD Amendment. He also stated there are several citizen correspondences which are included with the council communication.

Mayor Gaer requested staff provide an overview on the citizen concerns related to this proposal.

Lynne Twedt, Development Services Director, reported the primary concern expressed by the residents was related to the continuation of Scenic Valley Drive to intersect with Grand Avenue, and the possible increase in traffic it could cause. She noted that Scenic Valley Drive has been planned to connect with Grand Avenue since at least 1990, and staff believes it is a vital connection for traffic circulation in the area. Another concern expressed by the residents was a possible increase in the flooding risk with the new development. She noted that the pond within the proposed development will actually improve drainage throughout the area and should decrease the flooding risk. Another concern expressed was how the addition of 80 single-family homes could put a strain on the school district. She noted the original land uses for this area could have allowed the construction of 350 dwelling units, so taking it down to 80 single-family homes should decrease the future population in this area. Lastly, concerns were also expressed about a commercial parcel in the northeast corner of the proposed development, but that has also been planned since at least 1990 and it also being rezoned from Support Commercial to Neighborhood Commercial, which excludes some of the more intense commercial uses.

Mayor Gaer asked if there were any public comments.

Michelle Short, 2900 Scenic Valley Drive, expressed concerns about potential flooding issues that could arise as a result of the proposed development. She expressed opposition to the proposed connection of Scenic Valley Drive to Grand Avenue, citing concerns about the possibility that thru-traffic could use Scenic Valley Drive as a shortcut and potential speeding on the street could create a public safety issue. She suggested the City consider measures to slow traffic on Scenic Valley Drive, such as speed bumps or roundabouts. She also expressed concerns about the expected influx of families with school-aged children moving to the proposed development and the strain it could put on the school district related to overcrowding at Jordan Creek Elementary School.

Dave Nagel, 2344 Valley Ridge Place, stated he is President of the Grand Woods Townhome Association, and he expressed concerns about potential flooding issues that could arise as a result of the proposed development.

Kirk Mueldener, 2550 Scenic Valley Drive, expressed concerns about potential flooding issues that could arise as a result of the proposed development and the possibility that thru-traffic could use Scenic Valley Drive as a shortcut and potential speeding on the street could create a public safety issue. He suggested the City consider measures to proactively address potential speeding issues on Scenic Valley Drive, such as speed bumps, roundabouts, additional speed limit signs, or increased police patrols.

June 15, 2015

Diana Wissler, 3301 Scenic Valley Drive, expressed concerns that thru-traffic could use Scenic Valley Drive as a shortcut and potential speeding on the street could create a public safety issue. She suggested the City consider measures to proactively address potential speeding issues, such as three-way stop intersections at each intersection along Scenic Valley Drive. She also expressed concerns about the expected influx of families with school-aged children moving to the proposed development and the strain it could put on the school district related to overcrowding at Jordan Creek Elementary School. She also expressed concerns about potential flooding issues that could arise as a result of the proposed development

Mayor Gaer asked if there were any additional public comments; hearing none he declared the public hearing closed.

Mayor Gaer stated the West Des Moines Community School District is provided the City's Comprehensive Plan, so they have the information they need to plan in accordance with the City's future land uses. He also noted since the proposed PUD amendment results in a lower density of homes, it would likely result in less families moving into the proposed development with school-aged children attending West Des Moines schools.

Duane Wittstock, City Engineer, reported the City has addressed previous flooding concerns north of Scenic Valley Drive by redesigning the intake structure for the culvert that collects water from the area. He stated the proposed ground elevations throughout the area will meet City Code requirements and the Veenstra & Kimm drainage study recommendations and will be the same as the past requirements for the existing homes in that area. As an additional measure to address potential flooding concerns from the Raccoon River, the City is increasing the size of the culverts that cross Grand Avenue as a part of the Grand Avenue Improvements project and installing stop log structures to prevent floodwater from the Raccoon River from backing into the area and pads to set portable pumps. He reported the traffic projections indicate when the development is at full-build, Scenic Valley Drive will carry approximately 1,500 vehicles per day, and staff does not expect it to be used heavily as a cut-through street, because of the 25 mile per hour speed limit, curvy streets, and obstruction of driveways. He noted with the proposed development's density being lower than was originally planned and entitled, the amount of traffic on Scenic Valley Drive will likely be less. He stated staff recommends that Scenic Valley Drive connect with Grand Avenue because the dead end length is currently too long for City standards. There is currently a gated emergency access connection that links Scenic Valley Drive from the west to Valley Ridge Place.

Ms. Twedt responded to questions from the Council, stating this PUD was originally established in 1987 and expanded to its current boundaries in 1990. The commercial parcel was originally zoned as Support Commercial but is now being proposed for rezoning to Neighborhood Commercial, which excludes some of the more intense commercial uses, and the residential parcels are also proposed for rezoning, which would reduce the density for the development from 350 dwelling units to 80 single-family homes.

June 15, 2015

Council member Trimble stated if he had been on the Council when this PUD was established, he would not approved zoning the commercial parcel for commercial use, but since the City can't change the zoning at this point with an application pending, he will vote in favor of this request. He also expressed appreciation that the developer is requesting the rezoning to reduce the density of homes.

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Comprehensive Plan Amendment.

Vote 15-233: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trevillyan, second by Messerschmidt to consider the first reading of the ordinance.

Vote 15-234: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 15-235: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Whisper Rock at Quail Cove, 5200 block of Cherrywood Drive - Rezone Property from Medium Density Residential to Single Family Residential, initiated by Prairie Building and Development, LLC. He asked for the date the notice was published and the City Clerk indicated the notice was published on May 29, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the proposed Rezoning. He also stated there is one citizen correspondence which are included with the council communication.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Messerschmidt to consider the first reading of the ordinance.

June 15, 2015

Council member Sandager inquired if the citizen's concerns about standing water have been addressed.

Duane Wittstock, City Engineer, responded the issue was constructed with the earlier development, and since the maintenance bond has expired, the City is responsible for correcting it, and the Public Works department is in the process of doing that.

Vote 15-236: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Messerschmidt to approve the first reading of the ordinance.

Vote 15-237: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider 22nd Street and Kingman Avenue Turn Lane Extension, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 5, 2015 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to McGreger Corporation.

Council member Messerschmidt inquired how much this project will increase the turn lane's stacking capacity.

Duane Wittstock, City Engineer, responded the stacking capacity will increase by approximately ten cars.

Vote 15-238: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(a) Aspire, south of Stagecoach Drive, east of Jordan Creek Parkway, west of South 68th Street - Subdivide Property into 26 Lots and One Street Lot, initiated by Aspire Residential, LLC

June 15, 2015

It was moved by Trimble, second by Trevillyan to adopt Resolution - Acceptance of Surety and Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 15-239: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(b) Maple Grove West Plat 6, 1655 98th Street - Subdivide Property into 48 Lots for Townhome Development and One Outlot for Common Ground, initiated by Rock Equity Holdings, LLC

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. That the landscape buffer be installed according to the site plan and acceptable to the City prior to the release of any occupancy permit in the last building constructed;
2. That the public sidewalk be installed, inspected, and accepted by the City, prior to the release of the last of any occupancy permit in the last building constructed.

Vote 15-240: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(c) Pemberley Hills Plat 1, generally located on the southwest corner of Colt Drive and 60th Street - Subdivide Property into 41 Single Family Lots, Six Street Lots, and Two Outlots for Detention, initiated by Barnes Estates, LLC

It was moved by Trimble, second by Trevillyan to adopt Resolution - Acceptance of Public Improvements and Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 15-241: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(d) Aspen Valley, southeast corner of Ashworth Road and future 84th Street - Subdivide Property into 60 Lots, Four Street Lots, and Three Outlots for Construction of a Single Family Residential Development, initiated by Arrow Properties, LLC

It was moved by Trimble, second by Messerschmidt to adopt Resolution - Approval of Preliminary Plat, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

June 15, 2015

1. In conjunction with the Final Platting of the subject property, the applicant shall execute an agreement and waiver for Ashworth Road improvements. Agreement should indicate how the obligation will be distributed across existing and newly platted lots.
2. In conjunction with development of the property, Applicant will be responsible for the installation of all standard public improvements, including sewers, streets, sidewalks/trails and street lights adjacent to all public streets. The applicant acknowledging that public improvements will need to be completed and ready for acceptance by the City prior to issuance of any Final Occupancy permits.
3. The applicant acknowledging and agreeing that development of the lots may be limited so as to not exceed maximum dead-end lengths in City Code until such time that the road network for the area is implemented which provides multiple ways in and out of the development thus eliminating dead-ends.

Vote 15-242: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(e) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 4 (Traffic Control Devices) and Chapter 5 (Rules of the Road) - Align with Applicable Iowa Code Provisions, initiated by the City of West Des Moines

It was moved by Trimble, second by Trevillyan to consider the first reading of the ordinance.

Vote 15-243: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Messerschmidt to approve the first reading of the ordinance.

Vote 15-244: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 6 (Motor Vehicles and Traffic), Chapter 9 (Traffic Schedules), Section 12 (Load Limits; Truck Routes) - Motor Vehicle Weight Restrictions for Roadways Not Designated as Truck Routes; Penalties, initiated by the City of West Des Moines

It was moved by Trimble, second by Messerschmidt to consider the first reading of the ordinance.

Council member Trevillyan requested clarification on the proposed Ordinance.

June 15, 2015

Jason Wittgraf, Assistant City Attorney, responded under the proposed Ordinance, if a vehicle is rated to carry more than 10,000 pounds, then it is only permitted to travel on designated truck routes, unless it is travelling to or from a location that requires them to leave the designated truck routes. He also stated the proposed Ordinance will make violations on non-truck routes a civil penalty as opposed to a moving violation.

Council member Trevillyan suggested there should be signage specifying the maximum weight rating for non-truck routes.

The Council members discussed what would be an appropriate maximum weight rating for non-truck routes, and asked staff to conduct further research on the subject before the proposed Ordinance comes back for a second reading.

Vote 15-245: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance.

Vote 15-246: Messerschmidt, Mickelson, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 8(a) S & F/Karp, northeast corner of South 41st Street and Mills Civic Parkway -
Amend Planned Unit Development (PUD) to Address Development Regulations -
Highgates Plaza, LLC - Referred to Plan and Zoning Commission

On Item 8(b) Lisa Schneider Resignation - Human Services Advisory Board - Received and
Filed

On Item 9 - Other Matters: none

The meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

June 15, 2015

ATTEST:

Steven K. Gaer, Mayor